

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 91, As Amended, As Amended

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-613, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW, TO PROHIBIT THE OPERATION OF ANY VEHICLE ON A PUBLIC HIGHWAY UNLESS SUCH VEHICLE'S LOAD IS SECURED OR ANY REQUIRED COVERING IS SECURELY FASTENED, TO PROVIDE THAT VEHICLES OPERATED ON PAVED PUBLIC HIGHWAYS WITH CERTAIN LOADS SHALL BE COVERED AND TO PROVIDE AN EXCEPTION AND TO PROVIDE EXCEPTIONS TO THE APPLICATION OF SPECIFIED PROVISIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-613, Idaho Code, be, and the same is hereby amended to read as follows:

49-613. PUTTING GLASS OR OTHER INJURIOUS MATERIALS ON HIGHWAY PROHIBITED. The following shall apply to persons and vehicles not otherwise exempted from the application of this section by federal or state law:

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon the highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove that material or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from that vehicle.

(4) No vehicle shall be operated on any public highway unless such vehicle's load is secured to prevent the load from becoming loose, detached or a hazard to other users of the highway.

(5) No person may operate on any public highway any vehicle with any load unless the load is secured and such covering as required thereon by subsection (6) of this section is securely fastened to prevent the covering or load from becoming loose, detached or a hazard to other users of the highway.

(6) Any vehicle operating on a paved public highway with a load of dirt, sand or gravel susceptible to being dropped, spilled, leaked or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six (6) inches of freeboard is maintained.

(7) The provisions of subsections (5) and (6) of this section shall not apply to a government, quasi-government, their agents or employees or contractors thereof, in performance of maintenance or construction of a highway.

(8) The provisions of subsections (4), (5) and (6) of this section shall not apply to vehicles owned by canal companies, irrigation districts, drainage districts or their boards of control, lateral ditch associations, water districts or other irrigation water delivery or management entities,

1 or operated by any employee or agent of such an entity, performing construc-  
2 tion, operation or maintenance of facilities.

3 (9) The provisions of subsections (4), (5) and (6) of this section shall  
4 not apply to vehicles transporting processed or unprocessed agricultural  
5 products, agricultural byproducts, agricultural materials or agricultural  
6 inputs.